



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, July 17, 2003**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, July 17, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Dr. Davidson Loehr, First Unitarian Universalist Church of Austin

Mayor Wynn called the Council Meeting to order at 10:01 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Dunkerley's motion, Council Member Wynn's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

1. Approval of minutes from work session of June 11, 2003 and the regular meeting of June 12, 2003.
The minutes from the work session of June 11, 2003 and the regular meeting of June 12, 2003 were approved.
2. Approve funding a variety of recreational and educational opportunities for children in the Holly Street Neighborhood, as well as neighborhood improvements, in an amount not to exceed \$100,000 and further authorize Austin Energy to negotiate and execute such contracts with each recipient entity as are reasonable, necessary or required to accomplish the purposes of this funding. (Funding is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department.) (Recommended by the Electric Utility Commission.)
The motion authorizing funding a variety of recreational and educational opportunities for children in the Holly Street Neighborhood, as well as neighborhood improvements and further authorize Austin Energy to negotiate and execute such contracts was approved.
3. Approve the issuance of a rebate in the amount of \$100,000 to Applied Materials, Inc. for the installation of energy efficient motors, transformers, energy management control system, variable frequency drives (VFDs), lighting and air conditioning (HVAC) chiller equipment at their building located at 9700 Highway 290 East in Austin, Texas. Energy improvements qualifying for this rebate will save an estimated 781 kilowatts at a program cost of \$128 per kilowatt saved. (Funding is available in the Fiscal Year 2002-2003 Operating Budget of the Energy Conservation Rebates and Incentives Fund of Austin Energy.) (Recommended by the Resource Management Commission.)
The motion authorizing the issuance of a rebate to Applied Materials, Inc. was approved.

4. Authorize negotiation and execution of an amendment to the professional services agreement with THIELSCH ENGINEERING, INC., Cranston R.I., and an amendment to the professional services agreement with STRUCTURAL INTEGRITY/MECHANICAL MATERIALS ENGINEERING, San Jose, CA, for professional engineering services at the Austin Energy power plants, to extend each agreement's term for an additional twelve months, or until financial authorization is expended. (No additional funding is being requested since approximately \$795,000 of financial authority is remaining for these agreements.) (Recommended by the Electric Utility Commission.)

The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.

5. Approve change order #5 of a contract with JOURNEYMAN CONSTRUCTION, LP, Austin, TX, (MBE/MA 14.75%) to provide additional cable drops in various locations within the Control/Administration building at the Sand Hill Energy Center in an amount not to exceed \$9,255.50, for a total contract amount not to exceed \$2,028,376.10. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department.) 1.28% African American; 8.19% Hispanic; 25.62% Native/Asian American; 2.61% WBE; and 62.3% Non M/WBE, to date. (Recommended by the Electric Utility Commission.)

The motion authorizing change order #5 of a contract was approved.

Item 6 was pulled for discussion.

7. Authorize the execution of a lease with the United States Transportation Security Administration for approximately 3,166 square feet of Austin-Bergstrom International Airport Terminal space for a term of two years commencing September 1, 2002. (Approved by the Austin Airport Advisory Commission.)

The motion authorizing the execution of a lease was approved.

Item 8 was pulled for discussion.

9. Approve Amendment One to the Interlocal Cooperation Agreement with Travis County for the provision of emergency medical services in Travis County outside the City's corporate limits, as well as some personnel and equipment for STARFlight services. (Funding in the amount of \$7,970,763 was included in the Approved Fiscal Year 2002-2003 Operating Budget of the EMS Travis County Reimbursed Fund. A reduction of (\$416,842) in revenue and requirements is proposed for the FY 2002-2003 EMS Travis County Reimbursed Fund per the companion Budget Amendment to this agenda item.) (Related Item 10)

The motion authorizing Amendment One to the Interlocal Cooperation Agreement was approved.

10. Amend Ordinance No. 020910-01, the Fiscal Year 2002-2003 Operating Budget of the EMS Travis County Reimbursed Fund to reduce revenue and expenditures by \$416,842 and reduce FTEs by 3.0. (Funding and FTEs will be reduced from the EMS Travis County Reimbursed Fund. Travis County reimburses costs incurred by the City of Austin per the EMS Interlocal Agreement.) (Related Item 9)

Ordinance No. 030717-10 was approved.

11. Authorize execution of a construction contract with TOTAL ROOFING SERVICES, INC., Austin, TX, for Town Lake Animal Center Dog Run SC Roof Replacement in an amount not to exceed \$48,028. (Funding is available in the 2002-2003 Approved Operating Budget of the Financial and Administrative Services Department, Building Services Division.) Lowest bid of two bids received. This contract will be awarded in compliance with the 1996 MBF/WBE

Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a construction contract was approved.

12. Approve an ordinance amending Sections 25-2-840 and 25-5-4 of the City Code relating to Telecommunication Towers and Antennae. (Recommended by Council Committee for Telecom Infrastructure.)

This item was postponed indefinitely.

Items 13 and 14 were pulled for discussion.

15. Approve an ordinance authorizing acceptance of \$148,471 in additional grant funds from the Texas Department of Health, Immunization Division Immunization Outreach grant program; and amending Ordinance No. 020910-01, the approved Fiscal Year 2002-2003 Operating Budget, Health and Human Services Special Revenue Fund, by appropriating \$148,471 in additional grant funds for immunization services for a total grant amount of \$608,497. (Funding in the amount of \$148,471 is available from the Texas Department of Health, Immunization Division grant program. The revised grant period is from September 1, 2002 through December 31, 2003. No City match is required.)

Ordinance No. 030717-15 was approved.

16. Approve an ordinance authorizing acceptance of \$9,000 in additional grant funds from the Texas Department of Health, Zoonosis Control Division and amending Ordinance No. 020910-01, the Fiscal Year 2002-2003 Approved Operating Budget, Health and Human Services Special Revenue Fund, for the purpose of spay/neutering animals for low-income residents in Austin, by appropriating \$9,000 in additional grant funds for a total grant amount of \$29,000. (Funding in the amount of \$9,000 is available from the Texas Department of Health, Zoonosis Control Division. The grant period is September 1, 2002 through August 31, 2003.)

Ordinance No. 030717-16 was approved.

17. Approve execution of an Interlocal Cooperation Agreement between the CITY OF AUSTIN and THE UNIVERSITY OF TEXAS AT AUSTIN-UNIVERSITY HEALTH SERVICES, Austin, TX, for automated syndromic surveillance of natural and bioterrorism-related disease clusters, in an amount not to exceed \$10,000 for the period of August 1, 2003 through July 31, 2004, with three (3) renewal options in an amount not to exceed \$10,000 per renewal, for a total agreement amount not to exceed \$40,000. (Funding in the amount of \$10,000 is available in the 2002-2003 Approved Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Public Health Preparedness and Response for Bioterrorism grant program. Grant period is June 1, 2002 to August 31, 2003. Renewal options are contingent upon available funding in future budgets.)

The motion authorizing the execution of an Interlocal Cooperation Agreement was approved.

18. Authorize execution of 10-month contract extensions for HIV-related services with ALLGO, Austin, TX, in an amount not to exceed \$ 58,333; PLANNED PARENTHOOD, Austin, TX, in an amount not to exceed \$ 57,083; THE WRIGHT HOUSE, Austin, TX, in an amount not to exceed \$ 81,383; and a 10-month, three-party extension between the CITY OF AUSTIN, TRAVIS COUNTY, and AIDS SERVICES OF AUSTIN, Austin, TX, in an amount not to exceed \$ 480,793 (City \$162,511; County \$318,282). Each extension is for the period of March 1, 2003 through December 31, 2003. (Funding in the amount of \$251,517 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Health and Human Services Department. Funding for the remaining three (3) months of the contract period. \$107,793, is contingent on availability of funding in future budgets.)
The motion authorizing the execution of a contract extension was approved.
19. Ratify an amendment to the 2000 legal services agreement with Denton, Navarro, Rocha & Bernal, P.C., to represent the City of Austin as chief negotiator and legal counsel in labor negotiations, specifically matters relating to civilian oversight and the authority to conduct independent investigations under the current Meet and Confer contract with the Austin Police Association, for an increase of \$11,500, with a total contract amount not to exceed \$134,500. (Funding is available in the 2002-2003 Approved Operating Budget of the Austin Police Department.)
The motion ratifying an amendment to the 2000 legal services agreement was approved.
20. Authorize execution of an amendment to the legal services contract with Scott, Douglass & McConnico, L.L.P., Austin, Texas, in *Save Our Springs Alliance and Circle C Neighborhood Association v City of Austin, Circle C Land Corporation and Stratus Properties, Inc.*, Cause No. GN202018, in the Travis County District Court; and *Save our Springs Alliance v City of Austin and Circle C Land Corporation*, Cause No. GN300095, in the 126th Judicial District Court, Travis County, Texas for an increase of \$100,000, with a total contract amount not to exceed \$214,000. (Funding is available in the 2002-2003 Approved Operating budget of the Liability Reserve Fund.)
The motion authorizing the execution of an amendment to the legal services contract was approved.
21. Authorize negotiation and execution of an amendment to the legal services agreement with Denton, Navarro, Rocha & Bernal, P.C., in *Jeff White v City of Austin, Texas*, Cause No. GN201624, in the 126th Judicial District Court of Travis County, Texas, for an increase of \$48,750, with a total contract amount not to exceed \$98,750. (Funding is available in the 2002-2003 Approved Operating Budget of the Liability Reserve Fund.)
The motion authorizing the negotiation and execution of an amendment to the legal services agreement was approved.
22. Approve a resolution revising the adopted 2003 City Council meeting schedule for Council Worksessions. (Related Item 96)
Resolution No. 030717-22 was approved.
23. Approve an ordinance authorizing acceptance of grant funds from the Texas Association of Regional Councils in the amount of \$24,643 and amending Ordinance No. 020910-01, the FY 2002-2003 Approved Operating Budget, Office of Emergency Management Special Revenue Fund by appropriating grant funds for Central Texas Citizen Corps Council. (Funding in the amount of \$24,643 is available from the Texas Association of Regional Councils for the grant period May 31, 2003 - December 31, 2003. No match is required by the City of Austin.)
Ordinance No. 030717-23 was approved.

24. Approve an ordinance authorizing acceptance of grant funds from the Texas Association of Regional Councils in the amount of \$37,785 and amending Ordinance No. 020910-01, the FY 2002-2003 Approved Operating Budget, Office of Emergency Management Special Revenue Fund, by appropriating grant funds for creation of a Citizen Emergency Response Team (CERT) Program. (Funding in the amount of \$37,785 is available from the Texas Association of Regional Councils for the grant period May 31, 2003 - December 31, 2003. No match is required by the City of Austin.)
Ordinance No. 030717-24 was approved.
25. Approve a Resolution to amend the City's federal annual Action Plan 2002-2003 and State 2002-2003 Community Development Program approved by Council Resolution No. 020801-52 to reprogram \$240,141 of Community Development Block Grant funds and authorize additional programs. (Funding is available from the Homeownership Development Program.) (Recommended by the Community Development Commission (CDC).)
Resolution No. 030717-25 was approved.
26. Approve a resolution to adopt (1) the annual federal Action Plan 2003-2004, required by the U.S. Department of Housing and Urban Development (HUD); and, (2) the 2003-2004 Community Development Program required by the Texas Local Government Code Chapter 373, and funding allocations for Fiscal Year 2003-2004. (Funding in the amount of \$15,155,178 is available from four HUD entitlement grants: \$9,176,000 from Community Development Block Grant (CDBG); \$4,700,178 from HOME Investment Partnerships (HOME); \$291,000 from Emergency Shelter Grants (ESG); and \$988,000 from Housing Opportunities for Persons with AIDS (HOPWA). In addition \$800,000 from the Housing Trust Fund, \$1,586,803 from the Housing Assistance Fund; \$783,109 in CDBG Program Income; \$385,000 in HOME Program Income and \$180,000 in CDBG Revolving Funds are included. All funding is included in the Department's Fiscal Year 2003-2004 budget request.) (Recommended by the Community Development Commission (CDC))
Resolution No. 030717-26 was approved.
27. Approve a resolution to adopt the amendments to the City's federal Consolidated Plan 2000-2005 goals and priorities. (Recommended by the Community Development Commission (CDC).)
Resolution No. 030717-27 was approved.
28. Approve an ordinance to transfer 11 parcels of land and improvements located along the East 12th Street corridor to the Urban Renewal Agency of the City of Austin to aid in the implementation of the East 11th and 12th Streets Urban Renewal Project.
Ordinance No. 030717-28 was approved.
29. Approve the negotiation and execution of an amendment to the contract with the Austin Revitalization Authority (ARA) to increase the amount of the contract by \$550,000 of which \$275,000 is subject to appropriation in the Fiscal Year 2004-2005 City budget for a total contract amount not to exceed \$2,375,750 for ARA's operational expenses for the continued implementation of the East 11th and East 12th Street Redevelopment Program. (Funding in the amount of \$275,000 is available in Fiscal Year 2003-2004 Neighborhood Housing and Community Development Office (NHCD) 29th Year Community Development Block Grant (CDBG), East 11th and 12th Streets Redevelopment Program.)
The motion authorizing the negotiation and execution of an amendment to the contract was approved.

30. Approve the appointment of Brewster McCracken, and the re-appointment of Will Wynn, Raul Alvarez and Danny Thomas as Directors of the Board of Directors of the Austin Housing Finance Corporation for terms expiring on the earlier to occur of the date the officer is no longer a member of the Austin City Council, or June 15, 2006. (Related Item AHFC-2)
The motion authorizing the appointment of Brewster McCracken, and the re-appointment of Will Wynn, Raul Alvarez and Danny Thomas as Directors of the Board of Directors of the Austin Housing Finance Corporation was approved.
31. Approve a resolution authorizing entering into an Advance Funding Agreement with the Texas Department of Transportation for a Transportation Enhancement Project known as the Northern Walnut Creek Trail and to approve matching funds from the City in the amount of \$1,330,841.00. (Funding is available in the approved Fiscal Year 2002 -2003 Capital Budget of the Parks and Recreation Department.)
Resolution No. 030717-31 was approved.
32. Approve negotiation and execution of a Parkland Improvement and Use Agreement with the Clarksville Community Development Corporation to make certain improvements to the Haskell House and lot, a City historic landmark property located at 1703 Waterston Avenue, and to program the property for public and private non-profit uses.
The motion authorizing the negotiation and execution of a Parkland Improvement and Use Agreement was approved.
33. Approve an ordinance authorizing acceptance of an additional \$100,000 in grant funds from the Texas Department of Human Services; amend Ordinance No. 020910-01, the Fiscal Year 2002-2003 Operating Budget, to appropriate \$100,000 in grant funds to the Austin Parks and Recreation Department's Special Revenue Fund to accommodate reimbursement for the Summer Food Service Program. (Funding is available from the Texas Department of Human Services. The grant period is June 2003 to August 2003.)
Ordinance No. 030717-33 was approved.
34. Approve an ordinance authorizing acceptance of an additional \$10,000 in funds from the Capital Area Planning Council through the Texas Department of Aging for the Congregate Meal (Senior Luncheon) Program and the Support Service Transportation Program; amend Ordinance No. 020910-01, the Fiscal year 2002-2003 Operating Budget, to appropriate \$10,000 in grant funds to the Austin Parks and Recreation Department's Special Revenue Fund. (Funding is available from the Capital Area Planning Council through the Texas Department of Aging. The grant period is from October 2002 to September 2003.)
Ordinance No. 030717-34 was approved.
35. Approve an ordinance authorizing the acceptance of grant funding from the Texas Department of Transportation in the amount of \$50,000 for the DWI Selective Traffic Enforcement Project during two project periods; and amending Ordinance No. 020910-01, the Fiscal Year 2002-2003 Operating Budget, by appropriating \$50,000 in grant funds for the Austin Police Department Special Revenue fund. (Funding in the amount of \$50,000 is available in a grant from TxDot through the DWI Selective Traffic Enforcement Project (STEP), for the grant period of June 27, 2003 through January 4, 2004. No cash match is required.)
Ordinance No. 030717-35 was approved.

36. Approve a resolution authorizing the fee simple acquisition of Lot 4 and east 100 feet of Lots 1, 2 and 3, Linda Vista Subdivision, locally known as 10502 Linda Vista Drive, from Robert & Baudelia Guerra, for the Airport Noise Mitigation Program, in the amount of \$53,500 for land and improvements, plus closing costs and moving related expenses in the amount of \$15,000, for a total amount not to exceed \$68,500. (Funding in the amount of \$68,500 is available in the Fiscal Year 2002-2003 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 030717-36 was approved.
37. Approve a resolution authorizing the fee simple acquisition of Lot 6, Linda Vista Subdivision, locally known as 10600 Linda Vista Drive, from Darlene and Dennis Montgomery for the Airport Noise Mitigation Program, in the amount of \$50,500 for land and improvements and \$45,706 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000 for a total amount not to exceed \$106,206. (Funding in the amount of \$106,206 is available in the Fiscal Year 2002-2003 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 030717-37 was approved.
38. Approve a resolution authorizing the fee simple acquisition of Lot 43, Linda Vista Subdivision, locally known as 10601 Linda Vista, from Jeryl and Carolyn Ellis for the Airport Noise Mitigation Program, in the amount of \$30,000 for land and improvements, \$61,647.60 relocation benefits, plus closing costs and moving related expenses in the amount of \$14,500, for a total amount not to exceed \$106,147.60. (Funding in the amount of \$106,147.60 is available in the Fiscal Year 2002-2003 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 030717-38 was approved.
39. Approve a resolution authorizing the fee simple acquisition of Lot 32, Linda Vista Subdivision, locally known as 10807 Linda Vista Drive, from Candelario and Hermelinda Flores for the Airport Noise Mitigation Program, in the amount of \$44,500 for land and improvements, \$53,931.47 relocation benefits, plus closing costs and moving related expenses in the amount of \$14,000, for a total amount not to exceed \$112,431.47. (Funding in the amount of \$112,431.47 is available in the Fiscal Year 2002-2003 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 030717-39 was approved.
40. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY, LTD., Pflugerville, TX, for the Balcones Water Reclamation Plant Influent Lift Station, in the amount of \$831,134 plus an \$83,113 contingency, for a total contract amount not to exceed \$914,247. (Funding in the amount of \$914,247 is available in the Fiscal Year 2002-2003 Capital Budget of the Water & Wastewater Utility.) Lowest bid of four received. 16.34% MBE and 4.57% WBE subcontractor participation. (Recommended by Water & Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved.
41. Authorize execution of a construction contract with MUNIZ CONCRETE & CONTRACTING, INC. (70.33% MBE/MIH), Austin, TX, for a pedestrian bridge along the west side of Airport Boulevard, north of Huntland Drive, in an amount not to exceed \$80,905.60. (Funding is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation Planning & Sustainability Department.) Lowest of six bids received. 0% MBE and 4.32% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.

42. Authorize execution of a construction contract with CASH CONSTRUCTION CO., I.TD., Pflugerville, TX for the Del Valle Service to Annexed Area Water and Wastewater Improvements Area 1A Project, in the amount of \$1,997,635 plus a \$200,000 contingency, for a total contract amount not to exceed \$2,197,635. (Funding in the amount of \$2,197,635 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Lowest of five bids received. 3.86% MBE and 4.21% WBE subcontractor participation. (Recommended by Water & Wastewater Commission.)

The motion authorizing the execution of a construction contract was approved.

43. Authorize execution of change order #10 to the construction contract with HUTCHISON CONSTRUCTION INC., Austin, TX, for Oswaldo "A.B" Cantu' /Pan American Recreation Center in the amount of \$69,640.01, for a total contract amount not to exceed \$1,404,979.55. (Funding in the amount of \$69,640.01 is available in the Fiscal Year 2001-2002 Capital Budget of the Parks & Recreation Department.) 9.96% MBE and 13.48% WBE subcontractor participation to date.

The motion authorizing the execution of change order #10 to the construction contract was approved.

44. Authorize execution of change order #2 to the construction contract with AARON CONCRETE CONTRACTORS, INC. (100% MBE/MH), Austin, TX, for Loyola Lane Phase II street reconstruction and drainage improvements, from Austin Area Terminal Railroad to Decker Lane, in the amount of \$60,000 plus \$240,000 to replace the construction contingency, for a total contract amount not to exceed \$6,822,325.74. (Funding in the amount of \$240,000 is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility; and \$60,000 is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Transportation, Planning & Sustainability Department.) 21.63% MBE and 37.97% WBE subcontractor participation to date.

The motion authorizing the execution of change order #2 to the construction contract was approved.

Items 45 and 46 were pulled for discussion.

47. Authorize negotiation and execution of an amendment to the professional services agreement with TAG INTERNATIONAL, I.L.P., Austin, TX for design through construction phase services for the Austin Police Department's Central East Austin Substation and Forensics Facility, located at 812 Springdale Road, in the amount of \$65,820, for a total contract amount not to exceed \$1,527,386. (Funding in the amount of \$65,820 is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Austin Police Department) 21.0% MBE and 19.0% WBE total participation to date.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.

48. Approve the use of a Design/Build Contract as an alternative contract procurement process for the Baggage Screening and Terminal Improvements at the Austin Bergstrom International Airport Terminal. (Recommended by Airport Advisory Commission.)

The motion authorizing the use of a Design/Build Contract as an alternative contract procurement process was approved.

49. Authorize execution of an Advanced Funding Agreement with the TEXAS TURNPIKE AUTHORITY for the construction of a fifty-four inch casing pipe for future water system expansion as part of the Loop 1 Roadway Improvements from FM 734 to proposed State Highway 45 in southwest Williamson County, in an amount not to exceed \$150,000. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) (Recommended by Water & Wastewater Commission.)
The motion authorizing the execution of an Advanced Funding Agreement was approved.
50. Authorize negotiation and execution of a 30-year revenue concession agreement with TEJAS GOLF, LLC, Austin, TX for development and operation of a golf driving range in an amount to the City of Austin of \$15,000 base fee plus 6% of gross receipts over \$100,000 per contract year, with the option to extend for two additional five-year periods in an amount of \$15,000 base fee plus 6% of gross receipts over \$100,000 per contract year, for total estimated minimum revenue agreement of \$600,000. (Estimated revenue of \$450,000 over the duration of the 30-year agreement period and \$75,000 for each five-year extension option. Revenue will be included in the Fiscal Year 2004-2005 Operating Budget of the Parks and Recreation Department.) Only proposal received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Recommended by Parks and Recreation Board)
The motion authorizing the negotiation and execution of a 30-year revenue concession agreement was approved.
51. Authorize execution of a 12-month supply agreement with AUSTIN CRUSHED STONE, Austin, TX for flexible base material in an amount not to exceed \$249,415, with three 12-month extension options in an amount not to exceed \$249,415, for a total agreement amount not to exceed \$997,660. (Funding in the amount of \$35,750 is available in the Fiscal Year 2002-2003 Operating Budget of the Water & Wastewater Utility Department. Funding in the amount of \$5,820 is available in the Fiscal Year 2002-2003 Operating Budget of the Parks and Recreation Department. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a 12-month supply agreement was approved.
52. Authorize execution of a 12-month supply agreement with FERGUSON WATERWORKS, Georgetown, TX for ductile iron pipe and PVC water pipe in an amount not to exceed \$137,077.60, with two 12-month extension options in the amount not to exceed \$137,077.60 per extension option, for a total agreement amount not to exceed \$411,232.80. (Funding in the amount of \$34,269.40 is available in the Fiscal Year 2002-2003 Operating Budget of the Water and Wastewater Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.

53. Authorize execution of a 12-month supply agreement with SUMMIT CHEMICALS, INC., Tulsa, OK for sodium hexametaphosphate for the Water and Wastewater Utility in an amount not to exceed \$196,095.35, with two 12-month extension options in an amount not to exceed \$196,095.35 per extension, for a total contract amount not to exceed \$588,286.05. (Funding in the amount of \$32,683 is available in the Fiscal Year 2002-2003 Operating Budget of the Water and Wastewater Utility. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of ten bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a supply agreement was approved.

54. Authorize execution of a 12-month supply agreement with VWR INTERNATIONAL, Suwanee, GA for the purchase of laboratory supplies for the Water and Wastewater Utility in an amount not to exceed \$150,000, with two 12-month extension options in an amount not to exceed \$150,000, for a total agreement amount not to exceed \$450,000. (Funding in the amount of \$37,500 is available in the Fiscal Year 2002-2003 Approved Operating Budget for the Water and Wastewater Utility. Funding for the remaining nine months of the original contract period and extension option is contingent upon available funding in future budgets.) Low bid of four bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a supply agreement was approved.

55. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with MASTERS INTERNATIONAL TRUCKS, INC., Arlington, TX, to provide a medium-duty truck chassis with mounted vacuum/flusher truck body for the Water and Wastewater Utility Department in an amount not to exceed \$132,999.06. (Funding is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Water and Wastewater Utility Department.) Cooperative Purchasing.

The motion authorizing the execution of a contract was approved.

56. Authorize execution of a 12-month supply agreement with TURNER COMPANY, Raleigh, NC for manhole and water valve extension rings for the Water & Wastewater Utility in an amount not to exceed \$84,000, with two 12-month extension options in the amount not to exceed \$84,000 per extension option, for a total agreement amount not to exceed \$252,000. (Funding in the amount of \$21,000 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Water and Wastewater Utility Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid meeting specifications of twelve bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a supply agreement was approved.

57. Authorize execution of a contract with QEI, INC., Springfield, NJ for the purchase of upgrade kits for remote terminal units in an amount not to exceed \$128,275. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department.) Sole Source. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

58. Authorize execution of a 12-month service agreement with TEXAS REEXCAVATION LC, Houston, TX for vacuum excavation services in an amount not to exceed \$133,250, with two 12-month extension options in an amount not to exceed \$133,250, for a total agreement amount not to exceed \$399,750. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department. Funding for the extension option is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a service agreement was approved.
59. Authorize execution of a 12-month supply agreement with TEC UTILITY SUPPLY, Georgetown, TX for distribution capacitors and programmable capacitor bank controllers in an amount not to exceed \$67,356, with three 12-month extension options in an amount not to exceed \$67,356 per extension option, for a total agreement not to exceed \$269,424. (Funding in the amount of \$11,226 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of six bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
60. Approve execution of a contract with ABB, INC., Raleigh, NC for the upgrade of gas insulated switchgear barriers at the Fiesta Substation in an amount not to exceed \$152,769. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department.) Sole Source. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.
61. Authorize negotiation and execution of a contract with FLOWSERVE CORPORATION, Phillipsburg, NJ for raw water pumps for the Sand Hill Energy Center in an amount not to exceed \$114,726. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department.) Best proposal of four proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a contract was approved.
62. Authorize execution of a 12-month supply agreement with VAUGHN MANUFACTURING, Salisbury, MA for energy control timers in an amount not to exceed \$103,250, with two 12-month extension options in an amount not to exceed \$103,250 per extension option, for a total agreement amount not to exceed \$309,750. (Funding in the amount of \$17,208.33 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in compliance with 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.

63. Authorize negotiation and execution of a 24-month service agreement with ONDEO NALCO COMPANY, Naperville, IL for a chemical water treatment management program and consulting services in an amount not to exceed \$144,628, with two 12-month extension options in an amount not to exceed \$72,314 per extension option, for a total agreement amount not to exceed \$289,256. (Funding in the amount of \$12,052.33 is available in the Fiscal Year 2002-2003 Amended Operating Budget for the Electric Utility Department. Funding for the remaining 22 months of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of three proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a service agreement was approved.
64. Ratify execution of a contract with SPECIAL EQUIPMENT SERVICES, INC., Kaufman, TX for repair services of a fire truck for the Austin Fire Department in an estimated amount of \$55,000. (Funding is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund.) Public Health and Safety Procurement. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion ratifying the execution of a contract was approved.
65. Authorize execution of 12-month supply agreements with INDUSTRIAL ASPHALT, INC., (WBE-FR 100%), Buda, TX, and R.T.I. HOT MIX, Austin, TX for hot mix asphaltic concrete type A, B, C, C (SBS), D and F in a combined amount not to exceed \$2,411,750, with two 12-month extension options for each agreement in a combined amount not to exceed \$2,411,750 per extension option, for a total combined amount for the two agreements not to exceed \$7,235,250. (Funding in the amount of \$602,937 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Public Works Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
66. Authorize execution of 12-month supply agreement with GEO-SOLUTIONS, INC., Austin, TX for erosion control materials in an amount not to exceed \$110,172, with two 12-month extension options in an amount not to exceed \$110,172, for a total agreement amount not to exceed \$330,516. (Funding in the amount of \$27,543 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Watershed Protection and Development Review Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of six bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.

67. Authorize execution of 12-month supply agreements with INGRAM LIBRARY SERVICES INC., La Vergne, TN, for adult and juvenile books and cataloging/processing services and BAKER & TAYLOR, INC., Charlotte, NC for adult and juvenile books for the Library Department in a combined amount not to exceed \$788,487.47, with two 12-month extension options in a combined amount not to exceed \$788,487.47 per extension option, for a combined total agreement amount not to exceed \$2,365,462.41. (Funding in the amount of \$93,305 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Library Department and \$38,110 is available in the Fiscal Year 2002-03 Approved Capital Budget of the Library Department. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bids of four bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Related Item 68)

The motion authorizing the execution of a supply agreement was approved.

68. Authorize execution of a 12-month supply agreement with INGRAM LIBRARY SERVICES, La Vergne, TN, for standing order books for the Library Department in an amount not to exceed \$159,127.13, with two 12-month extension options in an amount not to exceed \$159,127.13 per extension, for a total agreement amount not to exceed \$477,381.39. (Funding in the amount of \$26,521 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Library Department. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Related Item 67)

The motion authorizing the execution of a supply agreement was approved.

69. Authorize execution of Amendment No. 3 to the Medical Assistance Program Provider Agreement with DAUGHTERS OF CHARITY HEALTH SERVICES OF AUSTIN, dba SETON MEDICAL CENTER (Seton), Austin, TX, for hospital services and other health services, to increase the contract in an amount not to exceed \$3,347,209 for the current term (February 1, 2003 - January 31, 2004) for an annual contract amount not to exceed \$11,620,396 for the current term; to increase the third extension option in an amount not to exceed \$2,724,367 for an annual contract amount of \$11,324,581; and to increase the fourth extension option in an amount not to exceed \$3,040,994 for an annual contract amount not to exceed \$11,988,422, for a revised total agreement amount not to exceed \$50,373,598. (Funding in the amount of \$3,873,466 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Health and Human Services Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) This contract was awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of Amendment No. 3 to the Medical Assistance Program Provider Agreement was approved.

70. Authorize execution of a 12-month supply agreement with ORTHO-McNEIL PHARMACEUTICALS, Raritan, NJ for contraceptives in an amount not to exceed \$106,166 with three 12-month extension options in amounts not to exceed \$116,782 for the first extension, \$128,461 for the second extension and \$141,307 for the third extension for a total agreement amount not to exceed \$492,716. (Funding in the amount of \$17,694 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Community Care Services Department. Funding for the remaining ten months of the original contract period and extension options is contingent

upon available funding in future budgets.) Public health exemption from state bidding requirements.

The motion authorizing the execution of a supply agreement was approved.

71. Authorize execution of a contract through the State of Texas, Texas Building and Procurement Commission with MOBILE VISION, INCORPORATED, Euless, TX for 113 video/audio mobile law enforcement recording systems for the Austin Police Department in an amount not to exceed \$342,955. (Funding in the amount of \$152,350 is available in State Asset Forfeiture, \$74,790 is available in 2002 Local Law Enforcement Block Grant of the Austin Police Department's FY 2002-2003 Special Revenue Budget, and \$115,815 is available in the 2002-2003 Operating Budget of the Police Department.) Purchasing Cooperative.

The motion authorizing the execution of a contract was approved.

72. Authorize execution of a 12-month service agreement through the State of Texas, Department of Information Resources with NORTHROP GRUMMAN TECHNICAL SERVICES, INC, Austin, TX; for disaster recovery hot site services in an amount not to exceed \$131,244, with one 12-month extension option in an amount not to exceed \$131,244, for a total agreement amount not to exceed \$262,488. (Funding in the amount of \$32,811 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Information Systems Department. Funding for the remaining nine months of the original contract period and extension option is contingent upon available funding in future budgets.) Purchasing Cooperative

The motion authorizing the execution of a service agreement was approved.

73. Authorize execution of a contract with GE MULTILIN, INC., Burnaby B.C., Canada for the purchase of GE JungleMUX OC-12 optic upgrade cards in an amount not to exceed \$66,784. (Funding is available in the Fiscal Year 2002-2003 Operating Budget of the Information Systems Department.) Sole Source. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

74. Authorize execution of a contract with KONTRON AMERICA, San Diego CA for an industrial computer system for the Texas Department of Transportation's Advanced Traffic Management System to be located at Combined Transportation & Emergency Communications Center, 5010 Old Manor Road in an amount not to exceed \$68,520 including two years warranty, with maintenance options for two additional years in an amount not to exceed \$1,287 per option, for a total contract amount not to exceed \$71,094. (Funding is available in the Fiscal Year 2002-2003 Capital Budget of the Financial & Administrative Services Budget for the RDMT Office. 100% of the funding originated from the Texas Department of Transportation. Funding for the maintenance options is contingent upon future funding from Texas Department of Transportation.) Only quote. Public safety exemption. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

75. Authorize negotiation and execution of a contract with ELECTROSONIC SYSTEMS, INC., Minnetonka MN to design and install a multimedia video display system at the Combined Transportation & Emergency Communications Center in an amount not to exceed \$1,553,423, with options to purchase maintenance for four additional years at \$93,500 per year after the warranty period of 12 months, with a total contract amount not to exceed \$1,927,423. (Funding in the amount of \$1,553,423 is available in the Fiscal Year 2002-2003 Capital Budget of the RDMT Office of the Financial & Administrative Services Department. Funding for \$1,213,417.40 comes from the Texas Department of Transportation; Funding for \$255,004.20 comes from the City of Austin and the balance \$85,001.40 comes from the Travis County Sheriff's Office. Funding for the maintenance options are contingent upon available funding in future budgets.) Best proposal of six proposals received. This contract will be awarded in compliance with the 1996 MBF/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for the solicitation.
- The motion authorizing the negotiation and execution of a contract was approved.**

76. Authorize negotiation and execution of a 12-month Interlocal Agreement with DALLAS COUNTY SOUTHWESTERN INSTITUTE OF FORENSIC SCIENCES, Dallas, TX for blood sample testing in an amount not to exceed \$5,000, with four 12-month extension options in an amount not to exceed \$5,000 per extension option, for a total agreement amount not to exceed \$25,000. (Funding in the amount of \$832 is available in the Fiscal Year 2002-2003 Operating Budget for the Austin Police Department. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Interlocal.
- The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.**

77. Authorize execution of a seven-month contract through U.S. Communities Government Purchasing Alliance, Los Angeles County, CA with OFFICE DEPOT, Austin, TX for office supplies, printer equipment and supplies and office equipment in an amount not to exceed \$758,331, with one 12-month extension option in an amount not to exceed \$1,300,000, for a total agreement amount not to exceed \$2,058,331. (Funding in the amount of \$216,666 is available in the Fiscal Year 2002-2003 Operating Budgets for all City departments. Funding for the remaining five months of the original contract period and extension option is contingent upon available funding in future budgets.) Purchasing Cooperative
- The motion authorizing the execution of a contract was approved.**

78. Authorize negotiation and execution of a 12-month contract, with two 12-month extension options, for marketing consultant services with THE PATHFINDER GROUP, Atlanta, GA, in an amount to be based on commissions ranging from eight to fourteen percent from revenues derived from a beverage marketing partnership and other appropriate marketing partnerships. (Commissions to be paid from revenue associated with a beverage vending contract to be approved later this year and received beginning in fiscal year 2003-2004.) Best proposal of three proposals received. This contract will be awarded in compliance with the 1996 MBF/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
- The motion authorizing the negotiation and execution of a contract was approved.**

79. a. Approve an ordinance to repeal Sections 16-4-15 (222) and (226) of the City Code relating to a portion of Wheatley Avenue (J.J. Pickle Elementary School) as a street having a maximum speed limit of 20 miles per hour during certain times of day to eliminate duplicate sections of the Code; b). Approve an Ordinance amending sections 16-4-15 (116) and (120) of the City Code relating to portions of North Hills Drive (Murchison Middle School and Doss Elementary School) as a street having a maximum speed limit of 20 miles per hour during certain hours of the day to correct spelling errors; c). Approve an ordinance repealing section 16-4-16(7) and amending section 16-4-16 (8) of the City Code relating to a portion of Kramer Lane (McBee Elementary School) as a street having a maximum speed limit of 25 miles per hour during certain times of the day to eliminate a duplicate section of the Code and to correct the length of the school zone limit:
Ordinance No. 030717-79 was approved.
80. Approve an ordinance repealing Code Section 16-4-32 (88) and amending Code Section 16-4-32(87) relating to streets having a maximum speed limit of 35 miles per hour for Spicewood Springs Road between Loop 1 West Service Road and 1539 feet west of Mesa Drive.
Ordinance No. 030717-80 was approved.
81. Approve an ordinance to amend Section 16-4-34 and Section 16-4-35 of the City Code, Speed Limits, by adding Wilson Parke Avenue to the list of streets having a maximum speed limit of 50 miles per hour between R.M. 620 and Vista Parke Drive and 45 miles per hour between Vista Parke Drive and Muir Parke Pass. (Funding in the amount of \$600 is available in the Fiscal Year 2002-2003 Operating Budget of the Transportation, Planning & Sustainability for installation of appropriate speed limit signs)
Ordinance No. 030717-81 was approved.
82. Approve an ordinance to amend Sections 16-4-37, 16-4-36 (31), 16-4-35 and 16-4-20 of the City Code, Speed Limits, relating to streets with a maximum speed limit of 60 mph, 55 mph, 50 mph, and 35 mph by adding various sections of Parmer Lane (FM 734) to the list of streets in each of these speed limit designations and repealing Section 16-4-36 (30).
Ordinance No. 030717-82 was approved.
83. Approve an ordinance amending Section 16-4-34 of the City Code, Speed Limits, by adding East William Cannon Drive, from South Pleasant Valley Road to McKinney Falls Parkway, to the list of streets having a maximum speed limit of 45 miles per hour. (Funding in the amount of \$600 is available in the 2002-2003 Operating Budget of the Transportation, Planning & Sustainability Department for installation of appropriate speed limit signs.)
Ordinance No. 030717-83 was approved.
84. Approve an Ordinance: (a) amending City Code Sections 16-4-15 (134) and 16-4-17 (3) for portions of Payton Gin Road having a maximum speed limit of 20 miles per hour during certain times of the day to correct spelling errors and incomplete street names;(b) repealing Code Section 16-4-32 (35) and amending Code Section 16-4-32 (108) relating to the portion of Far West Boulevard having a maximum speed limit of 35 miles per hour to eliminate duplicate Code sections and to correct incomplete street name, and;(c) repealing Code Section 16-4-33 (30) and 16-4-34 (33) relating to the portions of Huntland Drive having a maximum speed limit of 40 miles per hour and Dessau Road as having a maximum speed limit of 45 miles per hour to eliminate duplicate sections of the Code.
Ordinance No. 030717-84 was approved.

Item 85 was pulled for discussion.

86. Approve an ordinance to annex the Pioneer Hill annexation area (Approximately 268 acres in Travis County east of Dessau Road and east of the intersection of Applegate Drive and Dessau Road including Dessau Road right-of-way (ROW) from the intersection of Dessau Road and Braker Lane south to approximately three tenths of a mile north of the intersection of Dessau Road and Rundberg Lane). (Second and Third Reading). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will provide the services.)
Ordinance No. 030717-86 was approved.
87. Approve an ordinance to amend Sections 16-4-34 and 16-4-35 of the City Code, Speed Limits, by adding Howard Lane to the list of streets having a maximum speed limit of 45 miles per hour from Burnet Road (F.M. 1325) to 2250 feet west of Burnet Road (F.M. 1325) and 50 miles per hour from 2250 feet west of Burnet Road (F.M. 1325) to McNeil Drive/Merrilltown Road (City Limit Line). (Funding the amount of \$600 is available in the Fiscal Year 2002-2003 Operating Budget of the Transportation, Planning & Sustainability Department for installation of appropriate speed limit signs)
Ordinance No. 030717-87 was approved.
88. Approve an Ordinance authorizing the acceptance of a \$6,000.00 grant from the Partners for Fish and Wildlife Program, United States Fish and Wildlife Services (USFWS) for a game proof fence which was recently installed to protect a restored spring from damage from hogs and deer on the Balcones Canyonland Preserve (BCP) Franklin tract; and amending Ordinance No. 020910-01, the 2002-2003 Water and Wastewater Utility Operating Budget to appropriate \$6,000.00 in grant funds. (\$14,000. Funding in the amount of \$6,000.00 has been provided by the Partners for Fish and Wildlife Program, USFWS. A grant match of \$8,000 was provided by calculating the amount of time volunteers and staff devoted to the project. Project was completed in 12-16-02. Grant term: 1-8-02 - 9-30-03.) (Recommended by Water and Wastewater Commission)
Ordinance No. 030717-88 was approved.
89. Approve Service Extension Request No. 2254 for wastewater service not to exceed a peak wet weather flow of 1 gallon per minute (gpm) for a tract of approximately .94 acres owned by Jeffrey and Margaret Bruns, located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin at 11101 Sierra Blanca. (No fiscal impact.) (Recommended by Water and Wastewater Commission)
The motion authorizing the Service Extension Request No. 2254 was approved.
90. Approve Service Extension Request No. 2080 and 2082 for wastewater service not to exceed a peak wet weather flow of 540 gallons per minute (gpm) collectively for a tract of approximately 170 acres owned by Nootsie Ltd., known as Parke North, and a tract of approximately 12 acres owned by Nootsie II, Ltd., located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin on R.M. 620 North, approximately 2 miles south of Anderson Mill Road. (No fiscal impact.) (Recommended by Water and Wastewater Commission) (Related Item 91)
The motion authorizing the Service Extension Requests No. 2080 and 2082 was approved.
91. Approve Service Extension Request No. 2079 and 2081 for water service not to exceed a peak hour flow of 1,650 gallons per minute (gpm) collectively for a tract of approximately 170 acres owned by Nootsie Ltd., known as Parke North, and a tract of approximately 12 acres owned by Nootsie II, Ltd., and are located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin on R.M. 620 North, approximately 2 miles south of Anderson Mill Road. (No fiscal impact.) (Recommended by Water and Wastewater Commission) (Related Item 90)
The motion authorizing the Service Extension Requests No. 2079 and 2081 was approved.

92. Authorize the City Manager to negotiate and execute an agreement with the U.S. Bureau of Reclamation, in a total amount not to exceed \$300,000, for a study on the feasibility of the City's future plans for a reclaimed water system by the Bureau. This feasibility study is one of the requirements under Title XVI of P.L. 102-575, for the Bureau's participation in water reclamation and reuse projects of the City. (Funding for City's share of \$150,000.00 in In-Kind Services is contingent upon approval of the Utility's FY 2003-04 Operating Budget.) (Recommended by Water and Wastewater Commission)
The motion authorizing the City Manager to negotiate and execute an agreement was approved.
93. Approve execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC. (MBE/MH 70.27%), Austin, TX for construction of the Crossing Place Culvert Upgrade project in the amount of \$481,028.50 plus \$48,103.50 to be used as a contingency fund for change orders, for a total contract amount not-to-exceed \$529,132.00. (Funding in the amount of \$529,132.00 is available in Fiscal Year 2002-2003 of the Amended Capital Budget in the amount of \$471,028.50 of the Watershed Protection and Development Review Department; \$10,000 in Fiscal Year 2002-2003 Amended Capital Budget of the Water and Wastewater Utility, and a Contingency amount of \$48,103.50 in the Fiscal Year 2002-2003 of the Amended Capital Budget of the Watershed Protection and Development Review Department.) 8.62% MBE; 2.58% WBE Subcontracting Participation. 8.62% MBE; 2.58% WBE Subcontracting Participation Compliance Plan of low bidder approved by DSMBR on June 6, 2003.
The motion authorizing the execution of a construction contract was approved.
94. An ordinance accepting \$9,700 in funding from Hill Country Conservancy (HCC); amending the Fiscal Year 2002-2003 Approved Operating Budget of the Watershed Protection and Development Review Department of Ordinance No. 020910-01 to appropriate \$9,700 to the Drainage Utility Fund Water Quality Program Joint Agreement with the U.S. Geological Survey (USGS). (The City of Austin will receive funding of \$9,700 from the Hill Country Conservancy, will supply in-kind services, and will pass on the funding to the USGS. This is one-time pass-through funding, not a grant.) (Related Item 95)
Ordinance No. 030717-94 was approved.
95. Approve negotiation and execution of an Amendment to the October 2002 Joint Funding Agreement with the U.S. Geological Survey to establish a flow monitoring station on Little Bear Creek at Stoneledge Quarry for a joint project between Hill Country Conservancy, U.S. Geological Survey, and City of Austin. (There is no unanticipated fiscal impact. A fiscal note is not required.) (Related Item 94)
The motion authorizing the negotiation and execution of an Amendment to the October 2002 Joint Funding Agreement was approved.

Items 96 and 97 were pulled for discussion.

98. Approve a resolution authorizing negotiation and execution of an interlocal agreement between the City of Austin, the City of Dripping Springs, Hays County, Travis County, the Barton Springs Edwards Aquifer Conservation District and the Hays Trinity Groundwater Conservation District related to regional water quality planning efforts. (Council Member Daryl Slusher, Council Member Betty Dunkerley and Council Member Danny Thomas)
Resolution No. 030717-98 was approved.

CITY COUNCIL AGENDA

THURSDAY, JULY 17, 2003

99. Approve a resolution appointing Council Member Daryl Slusher as the City of Austin representative to the Core Committee and the Executive Committee of the Barton Springs Edwards Aquifer Regional Water Quality Planning Effort. (Council Member Daryl Slusher, Council Member Betty Dunkerley and Council Member Danny Thomas)

Resolution No. 030717-99 was approved.

100. Approve appointments to Council sub-committees and Council representation to local intergovernmental and interregional organizations or committees, and to boards and commissions. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)

Resolution No. 030717-100 and the following board and commission appointments were approved.

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Austin Community Education Consortium</u> Rossana Barrio	Consensus	Reappointment
<u>Building and Fire Code Board of Appeals</u> Alan Schumann	Consensus	Reappointment
<u>Building and Standards Commission</u> Ethelynn Beebe	Consensus	Reappointment
David Brown	Consensus	Reappointment
Tim Hill	Consensus	Reappointment
Gilbert Martinez	Consensus	Reappointment
<u>Electric Utility Commission</u> Frank Fernandez	Council Member Alvarez'	Reappointment
<u>Environmental Board</u> Rebecca Morris	Consensus	Reappointment
<u>Parks and Recreation Board</u> Jeff Francell	Consensus	Reappointment
<u>Urban Forestry Board</u> Heidi Dues	Consensus	Reappointment
<u>Zoning and Platting Commission</u> John Donisi	Council Member Thomas'	Reappointment
Keith Jackson	Council Member McCracken's	Reappointment

101. Approve a resolution directing the City Manager to create a Library and Parks Enhancement Fund as an option for additional contributions from utility customers through a check-off box on their utility bills. (Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez)
Resolution No. 030717-101 was approved.
102. Set a public hearing to approve a 40 foot wide (1.879 acre) waterline use area and a 40 foot wide (1.917 acre) temporary construction area to allow the construction of a water line through dedicated parkland known as Greenway and Destination Parkland located at F.M. 969 and Walnut Creek in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (Suggested date and time: August 14, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.) (All costs associated with the line, as well as any parkland restoration will be paid by the City of Pflugerville.) (Recommended by Parks & Recreation Board.)
The public hearing was set for August 14, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
103. Set a public hearing to approve a 40 foot wide (1.39 acre) waterline use area and a 60 foot wide (2.19 acre) temporary construction area to allow the construction of a water line through dedicated parkland known as Greenway and Destination Parkland located along Johnny Morris Road in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (Suggested date and time: August 14, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.) (All costs associated with the line, as well as any parkland restoration will be paid by the City of Pflugerville.) (Recommended by Parks & Recreation Board.)
The public hearing was set for August 14, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
104. Set a public hearing to approve a 40 foot wide (1.33 acre) waterline use area and a 60 foot wide (2.00 acre) temporary construction area to allow the construction of a water line through dedicated parkland known as Greenway and Destination Parkland located along Johnny Morris Road in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (Suggested date: August 14, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.) (All costs associated with the line, as well as any parkland restoration will be paid by the City of Pflugerville.) (Recommended by Parks & Recreation Board.)
The public hearing was set for August 14, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
105. Set a public hearings for the full purpose annexation of Lexington Parke (Approximately 216 acres located in Travis County north of Pearce Lane approximately three-quarters of a mile east of the intersection of Pearce Lane and FM 973.) (Suggested dates and times: July 31, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building; August 7, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).
The public hearing was set for August 7, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

106. Set a public hearing to approve an ordinance amending the Austin Metropolitan Area Transportation Plan (AMATP), an element of the City of Austin Comprehensive Plan, a. to delete 38 ½ St. from IH 35 to Manor Rd. (Case No. C2-03-01); b. to delete Manor Rd., from IH 35 to Airport Blvd. (Case No. C2-03-02); c. to downgrade Dessau Rd. from MAD 8 to MAD 6, between Parmer Ln. and Rundberg Rd. (Case No. C2-03-03); d. to downgrade Riverplace Blvd. from MAD 4 to MAU 4, between RM 2222 and Bonaventure Dr. and from MAD 4 to MAU 2 between Bonaventure Dr. and Lovebird Ln. (Case No. C2-03-04); and e. to update 2025 right-of-way on Koenig Ln. from 114-feet to 80-feet between Airport Blvd. and Lamar Blvd. (Case No. C2-03-05). Suggested date and time: July 31, 2003 at 6:00 p.m. (Recommended by Urban Transportation Commission, Environmental Board and Planning Commission.)
The public hearing was set for July 31, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
107. Set a public hearing to amend Chapter 25-4-196 (A) which applies to subdivisions that receive retail water or wastewater service from an entity other than the City of Austin; amend Chapter 25-4-196(B) which requires the subdivider to provide a copy of a contract between the subdivider and the utility service provider; amend Chapter 25-9-325 regarding the collection of the impact fees to mirror language of the state law and current practice; repeal Chapter 25-9-351 that provides a 25% discount for Water and Wastewater impact fees collected for connections made inside the City limits. (Suggested date and time: July 31, 2003 at 6:00 PM, Lower Colorado River Authority, Hancock Building) (Recommended by Water and Wastewater Commission and Planning Commission)
The public hearing was set for July 31, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
108. Set a public hearing for an amendment to Ordinance No. 020627-115 which establishes an administrative variance process for variances from certain land development codes for certain wastewater collection system construction projects needed to eliminate sanitary sewer overflows. This amendment adds sections 25-7-61(A)(5)(c) and (B), 25-8-211, 25-8-261, and 25-8-301 and 25-8-453 for administrative variances to the current ordinance. (Suggested date and time: July 31, 2003 at 6:00 P.M., Lower Colorado River Authority, Hancock Building) (No fiscal impact.) (Recommended by Water and Wastewater Commission; Environmental Board 7-16-03; Parks and Recreation Board 7-22-03; and Planning Commission 7-23-03)
The public hearing was set for July 31, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
109. Set a public hearing to receive public comment regarding the proposed modifications to the Urban Renewal Plan for East 11th and 12th Streets Urban Renewal Area. (Suggested date and time: July 31, 2003 at 6:00 p.m.)
The public hearing was set for July 31, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
116. Discuss acquisition of an interest in real property for Greenway and Destination Parks as authorized under Proposition 2 of the November 1998 Bond Election. (Related Item 117)
This item was postponed indefinitely.

117. Consider approving a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring approximately 330 acres in Southeast Austin using Greenway and Destination Park Bond Funds (November 1998). (Related Item 116)
This item was postponed indefinitely.

DISCUSSION ITEMS

8. Authorize amendments to the Austin Convention & Visitors Bureau (ACVB) Bylaws. (Recommended by ACVB Board of Directors.)
The motion authorizing amendments to the Austin Convention & Visitors Bureau Bylaws was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-1 vote. Mayor Pro Tem Goodman voted nay.
85. Consider an Ordinance (first reading only) to grant a taxicab franchise to ABCABCO, Inc. d/b/a Lone Star Cab Company. (Staff does not recommend approval). (Not Recommended by Urban Transportation Commission)
This item was postponed to September 25, 2003 on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.
45. Authorize negotiation and execution of Amendment #2 to the Construction Manager-at-Risk Contract with HENSEL PHELPS CONSTRUCTION CO., Austin, TX, for Construction Phase Services to complete construction of the New City Hall - Building and Public Plaza (Phase III), for an additional authorization amount of \$15,883,718, for a total contract amount not to exceed \$32,852,000. (\$15,883,718 is included in the Fiscal Year 2002-2003 Capital Budget of Economic Growth & Redevelopment Services.) 11.13% MBE and 13.23% WBE participation to date*
The motion authorizing the negotiation and execution of Amendment #2 to the Construction Manager-at-Risk Contract was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.
46. Authorize negotiation and execution of an amendment to the professional services agreement with COTERA + REED ARCHITECTS (90% MBE/MH), Austin, TX, for additional architectural and engineering services for the New City Hall, Public Plaza and Parking Garage, in the amount of \$156,100, for a total contract amount not to exceed \$5,973,000. (Funding in the amount of \$156,100 is available in the 2002-2003 Amended Capital Budget for Economic Growth & Redevelopment Services.) 42.16% MBE and 15.48% WBE subcontractor participation to date.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 7-0 vote
96. Approve an ordinance amending Chapter 2-2 of the Code relating to council actions, meeting procedures, public hearings and appeals. (Related Item 22)(Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)
The first reading of the ordinance as amended below, was approved on Council Member Dunkerley's motion, Council Member Slusher's second on a 7-0 vote.

Council Member Slusher offered the following friendly amendments that was accepted by the maker of the motion.

2-2-29(G) would read, "Except as required by state law, Council may limit the number of speakers or the length of testimony at the Council's discretion. If the council limits

testimony under this subsection, the registration card of each non-speaking person shall be made part of the public hearing record."

Mayor Wynn recessed the Council Meeting at 11:46 a.m.

Mayor Wynn called the Council Meeting back to order at 11:57 a.m.

12:00 P.M. Citizen Communications: General

Rodney E. Ehart - Gen. Austin Girls - Teen Advocacy Group

Marcus De Leon - Close Holly Power Plant, El Concilio

Gavino Fernandez - Holly Power Plant, El Concilio **Donated time to Marcus DeLeon**

Basilio Mota - Closing the Holly Power Plant, El Concilio Youth Core

Ramon Maldonado - Holly Power Plant - Close it Now

Paul Hernandez - East Town Lake Citizens El Concilio demands you close the Holly Power Plant Now

Estrella Palomares de Leon - Closing the Holly Power Plant, El Concilio Youth Core

Melina Rivera - Holly Power Plant Closure, El Concilio Youth Core

Gloria Moreno - Close Holly Plant Now **Not present when name was called**

Ron Torrey - Austin Refuse Collection License

Mayor Wynn recessed the Council Meeting at 12:30 p.m. to go into Executive Session.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation With Attorney - Section 551.071

110. Discuss legal issues related to *Hyde Park Baptist Church v. The City of Austin, Defendant, and Hyde Park Neighborhood Association, Defendant Intervenor*, Cause Number GN202015, in the 98th Judicial District Court of Travis County, Texas. (Concerns the church's construction of a parking garage near 39th Street and Avenue D).

111. Discuss legal issues related to Austin Women's Hospital.

112. Discuss the possible settlement of *Christopher Ochoa v. City of Austin, et al.*, Case Number A02CA710-JN in the United States District Court for the Western District of Texas, Austin Division, and *Barbara Oakley, as Legal Guardian for Richard Danziger v. City of Austin, et al.*, Case Number A02CA711-JN in the United States District Court for the Western District of Texas, Austin Division. (Plaintiffs in these cases claim they were wrongfully imprisoned for a crime they did not commit.) (Related Item 118)
113. Discuss legal issues related to the proposed Garza Brodie Subdivision (also known as the Lowe's tract), approximately 31 acres in the Barton Springs Zone located at the Northwest corner of Brodie Lane and Allegro Lugar, and the cases *Lowe's Home Centers, Inc. v. City of Austin*, Cause No. GN300629, in the 98th Judicial District Court of Travis County, Texas (concerning development of the Lowe's tract) and *Gordon Dunaway and Eli J. Garza v. City of Austin*, Cause No. 97-12434, in the 261st Judicial District Court of Travis County, Texas (concerning development of land in the Barton Springs Zone near the intersection of William Cannon Drive and MoPac).

Item 114 was discussed later in the meeting.

115. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Police Association, to take effect after the current Agreement expires on September 26, 2003.

Mayor Wynn called the Council Meeting back to order at 3:52 p.m.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 3:53 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned at 3:54 p.m. and the regular Council meeting was called back to order at 3:55 p.m.

ZONING CONSENT ITEMS

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Thomas' motion, Mayor Wynn's second on a 7-0 vote.

Item 119 was pulled for discussion.

120. C14-02-0067.01 - Fairview Park Neighborhood Conservation Combining District Rezoning-Tract 54 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1203 Hillside Avenue (Blunn Creek, East Bouldin Creek and Town Lake Watersheds) from multifamily residence medium density-neighborhood conservation (MF-3-NCCD) combining district zoning to family residence-neighborhood conservation (SF-3-NCCD) combining district zoning. First reading on January 30, 2003. Vote: 7-0. Conditions met as follows: No conditions were imposed. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Sherri Gager, 974-3057.
Ordinance No. 030717-120 was approved.

121. C14-03-0027 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4601 and 4611 East St. Elmo Road (Williamson Creek Watershed) from townhouse & condominium residence-neighborhood plan (SF-6-NP) combining district zoning and limited office-neighborhood plan (LO-NP) combining district zoning to townhouse & condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning and limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning for Tract 1; and from single family residence standard lot-conditional overlay-neighborhood plan (SF-2-CO-NP) combining district zoning; to single family residence standard lot-conditional overlay-neighborhood plan (SF-2-CO-NP) combining district zoning for Tract 2. First reading on April 24, 2003. Vote: 6-0, Garcia absent. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.
Ordinance No. 030717-121 was approved.
122. C14-03-0076 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 203 Ralph Ablanedo Drive (Onion Creek Watershed) from development reserve (DR) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First reading on June 12, 2003. Vote: 6-0, Garcia off the dais. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Suzette Clearman. Agent: Jennifer Clearman. City Staff: Wendy Walsh, 974-7719.
Ordinance No. 030717-122 was approved.
123. C14-03-0057 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the north side of Loyola Lane west of its intersection with Johnny Morris Road (Walnut Creek Watershed) from family residence (SF-3) district zoning to multi-family residence medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 1 and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2. First reading on June 12, 2003. Vote: 4-0, Garcia, Goodman and Wynn off the dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Robert Haug. Agent: Crocker Consulting (Sarah Crocker). City Staff: Annick Beaudet, 974-2975. Continued from June 12, 2003.
Ordinance No. 030717-123 was approved.
124. C14-03-0014 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Selma Hughes Park Road (Lake Austin Watershed) from development reserve (DR) district zoning to single family residence large lot-conditional overlay (SF-1-CO) combining district zoning. First reading on June 12, 2003. Vote: 6-0, G. Garcia off the dais. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: The Kucera Company (Gerald Kucera). Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 030717-124 was approved.

125. C14-02-0152 - Approve second /third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7800 U.S. Highway 290 West (Williamson Creek-Barton Springs Zone) from GR-CO, Community Commercial-Conditional Overlay Combining district zoning to GR-CO, Community Commercial-Conditional Overlay Combining district zoning. First reading November 21, 2002. Vote: 6-0, Goodman absent. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Buffalo Equities, LTD. Agent: Brown McCarroll (Nikelle Meade) City Staff: Annick Beaudet, 974-2975. (Continued from 1/9/03 and 3/6/03).

This item was postponed to September 25, 2003 at the applicants request.

Item 126 was pulled for discussion.

127. C14-03-0036 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as northeast of Burleson Road to U.S. Highway 183 South (Carson Creek and Onion Creek Watersheds) from limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning; limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning; and, rural residence-conditional overlay-neighborhood plan (RR-CO-NP) combining district zoning to limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning; limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning; and, rural residence-conditional overlay-neighborhood plan (RR-CO-NP) combining district zoning. First reading on April 24, 2003. Vote: 6-0, Garcia absent. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

The item was withdrawn at staff's request and staff was instructed to negotiate a restrictive covenant.

Item 128 was pulled for discussion.

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearing was closed and consent items were approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

- Z-1 C14-03-0075 - Velocity Credit Union - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1201-1209 Braker Lane and 11208 Plains Trail (Little Walnut Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning in order to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) district zoning. Applicant: Velocity Credit Union (Larry Strong). Agent: Brown McCarroll LLP (Jerry Harris). City Staff: Glenn Rhoades, 974-2775.

The first reading of the ordinance was approved.

- Z- 2 C14-03-0081 - Spicewood Springs Shopping Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3808 Spicewood Springs Road (Shoal Creek Watershed) from neighborhood commercial (I.R) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Nancy Bui. Agent: Truc Nguyen. City Staff: Glenn Rhoades, 974-2775.
The first reading of the ordinance was approved.
- Z- 3 C14-03-0085 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally know as 813 West 11th Street (Shoal Creek Watershed) from limited office (LO) district zoning to general office-mixed use (GO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-mixed use (GO-MU) combining district zoning. Applicant and Agent: James Creighton. City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 030717-Z-3 was approved.
- Z- 4 C14-03-0059 - McNeil Deal - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6917 McNeil Drive (Rattan Creek Watershed) from family residence (SF-3) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Darryl Winstead. Agent: Darryl Winstead. City Staff: Sherri Gager, 974-3057.
Ordinance No. 030717-Z-4 was approved.
- Z- 5 C14-03-0070 - Human Potential Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2007 Bert Avenue (Williamson Creek Watershed) from family residence (SF-3) district zoning to limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Robert McGarey. Agent: Crocker Consultants (Sarah Crocker) City Staff: Annick Beaudet, 974-2975.
Ordinance No. 030717-Z-5 was approved.
- Z- 6 C14-03-0017 - The Domain (200.286 Acres) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11400 Burnet Road (Walnut Creek Watershed) from major industrial-planned development area (MI-PDA) combining district zoning to major industrial-planned development area (MI-PDA) combining district zoning in order to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning. Applicant: JER/BRE Austin Tech, L.P. (Craiq Smith). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Sherri Gager, 974-3057.
This item was postponed to July 31, 2003 at staff's request.
- Z- 7 C14-03-0015 - The Domain (.783 acres) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11400 Burnet Road (Walnut Creek Watershed) from major industrial (MI) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: JER/BRE Austin Tech, LP (Craiq Smith). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Sherri Gager, 974-3057.
This item was postponed to July 31, 2003 at staff's request.

- Z- 8 C14-03-0016 - Multek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3300 West Braker Lane (Shoal Creek Watershed) from major industrial (MI) district zoning to major industrial-planned development area (MI-PDA) combining district zoning. Zoning and Platting Commission Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning. Applicant: Multilayer Tek, L.P. (Eric Rebich). Agent: Bury & Partners, Inc. (James B. Knight). City Staff: Sherri Gager, 974-3057.
This item was postponed to July 31, 2003 at staff's request.
- Z- 9 C14-03-0084 - Altus - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4801 South Congress Avenue (Williamson Creek Watershed) from general commercial services (CS) district zoning and family residence (SF-3) district zoning to multi-family residence medium density-conditional overlay (MF-3-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence medium density-conditional overlay (MF-3-CO) combining district zoning. Applicant: Sam Mikhail. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
This item was postponed to July 31, 2003 at staff's request.
- Z- 10 C14-02-0118 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9701 Brodie Lane (Slaughter Creek Watershed-Barton Springs Zone) from limited office-conditional overlay (LO-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Goodwill Industries of Central Texas, a Texas Non-Profit Corporation (Gerald Davis, President). Agent: Armbrust & Brown, LLP. (Richard Suttle). City Staff: Wendy Walsh, 974-7719.
This item was postponed to July 31, 2003 at the neighborhood associations request.
- Z- 11 C14-03-0074 - Gateway Community Church - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7014 McNeil Drive (Rattan Creek Watershed) from townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning to general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: D.I.I. Inc. (Frank Greenberg). Agent: Consort, Inc. (Ben Turner). City Staff: Sherri Gager, 974-3057.
Ordinance No. 030717-Z-11 was approved.

Item Z-12 passed later in the meeting.

Items Z-13 through Z-16 were pulled for discussion.

126. C14-02-0173 - Tristan - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10003 Rocking Horse Road (Slaughter Creek Watershed-Barton Springs Zone) from development reserve (DR) district zoning to neighborhood office-conditional overlay (NO-CO) combining district zoning. First reading on May 15, 2003. Vote: 7-0. Second Reading on June 12, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: Sergio J. Tristan. City Staff: Wendy Walsh, 974-7719.

Ordinance No. 030717-126 was approved.

DISCUSSION ITEMS

119. C14-02-0067 - Fairview Park Neighborhood Conservation Combining District Rezoning- Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as east of South Congress Avenue, south of East Riverside Drive and East Bouldin Creek, north of East Monroe Street and west of Alameda Drive, Sunset Lane and Eastside Drive (Blunn Creek, East Bouldin Creek, and Town Lake Watersheds) from family residence (SF-3) district zoning; family residence-conditional overlay (SF-3-CO) combining district zoning; multifamily residence-low density (MF-2) district zoning; multifamily residence-low density-historic (MF-2-H) combining district zoning; multifamily residence-low density-neighborhood conservation (MF-2-NCCD) combining district zoning; multifamily residence-medium density (MF-3) district zoning; multifamily residence-moderate-high density (MF-4) district zoning; multi-family residence-moderate-high density-historic (MF-4-H) combining district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; to: family residence-neighborhood conservation (SF-3-NCCD) combining district zoning; family residence-conditional overlay-neighborhood conservation (SF-3-CO-NCCD) combining district zoning; multifamily residence-low density-neighborhood conservation (MF-2-NCCD) combining district zoning; multifamily residence-low density-historic-neighborhood conservation (MF-2-H-NCCD) combining district zoning; multifamily residence-medium density-neighborhood conservation (MF-3-NCCD) combining district zoning; multifamily residence-moderate-high density-neighborhood conservation (MF-4-NCCD) combining district zoning; multifamily residence-moderate-high density-historic (MF-4-H-NCCD) combining district zoning; commercial services-neighborhood conservation (CS-NCCD) combining district zoning; commercial liquor sales-neighborhood conservation (CS-1-NCCD) combining district zoning. First reading on January 30, 2003. Vote: 7-0 on four separate motions. Conditions met as follows: Ordinance incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Sherri Gager, 974-3057. Note: Three valid petitions have been filed in opposition to this rezoning request.

409 E. Riverside (Tract 51) will not be included in the NCCD due to a lack of a motion to include it. The motion to include 0, 1301 and 1307 Newning Avenue (Tracts 22, 23 and 25) in the NCCD failed on Mayor Pro Tem Goodman and Council Member Alvarez' motion on a 4-3 vote. Six votes were required for approval. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman, and Council Members Alvarez and Slusher. Those voting nay were: Council Members Dunkerley, McCracken and Thomas. 1310, 1312 and 1318 Newning Avenue will be included in the NCCD on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

Ordinance No. 030717-119 was approved adding Tracts 26, 27, and 28 in the NCCD (including site development regulations) on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

- Z- 12 C14-03-0062 - Lusk and Evans - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 806 West 11th Street (Shoal Creek Watershed) from multi-family moderate-high density (MF-4) district zoning to general office-mixed use (GO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-mixed use (GO-MU) combining district zoning. Applicant: Patrick Guy. Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.
The motion to close the public hearing and approve Ordinance No. 030717-Z-12 was approved on Council Member Dunkerley's motion, Mayor Wynn's' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:37 p.m.

LIVE MUSIC AND PROCLAMATIONS

Music

Austin Chamber Music Center

Proclamations

Distinguished Service Award - Heroism - to be presented by Mayor Will Wynn and to be accepted by Adrian Mouton

Proclamation - Pan American Golf Association Convention & Tournament - to be presented by Mayor Will Wynn and to be accepted by Jesse Pena

Distinguished Service Award - Mike Heitz - to be presented by Mayor Will Wynn and to be accepted by the honoree

Mayor Wynn called the Council Meeting back to order at 6:19 p.m.

ZONING DISCUSSION

- Z- 15 C14-03-0068 - Walgreens - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2409 South Lamar and 0 Bluebonnet Lane (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Gene Charlesworth Payne. Agent: Crocker Consultants (Sarah Crocker). City Staff: Annick Beaudet, 974-2975.

The public hearing was closed on Council Member Slusher's motion, Mayor Wynn's second on a 6-0 vote. Alvarez was off the dais.

The first reading of the ordinance failed on Council Member Dunkerley's motion, Council Member Thomas' second on a 2-5 vote. Those voting aye were: Council Members Dunkerley and Thomas. Those voting nay were: Mayor Wynn, Mayor Pro Tem Goodman, Council Members Alvarez, McCracken and Slusher.

DISCUSSION ITEMS

128. C14-02-0189 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2403 South Lamar Boulevard (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Second reading on June 12, 2003. Vote: 6-0, Garcia off the dais. First reading on February 13, 2003. Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: Harper Trust (Gonzalo Gonzales). Agent: Crocker Consultants (Sarah Crocker). City Staff: Annick Beaudet, 974-2975.
- Ordinance No. 030717-128 was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Council Members Dunkerley, McCracken, Slusher and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Member Alvarez.**

118. Consider possible settlement of Christopher Ochoa v. City of Austin, et al., Case Number A02CA710-JN in the United States District Court for the Western District of Texas, Austin Division, and Barbara Oakley, as Legal Guardian for Richard Danziger v. City of Austin, et al., Case Number A02CA711-JN in the United States District Court for the Western District of Texas, Austin Division. [Plaintiffs in these cases claim they were wrongfully imprisoned for a crime they did not commit]. (Related Item 112)
The motion authorizing the City Manager to negotiate and execute a settlement with Barbara Oakley as Legal Guardian for Richard Danziger in an amount not to exceed \$9,000,000 was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote. The City Manager was not authorized to proceed with the Christopher Ochoa settlement.
129. Conduct a public hearing to receive public comment on the proposed revisions to Exhibit A of Ordinance 020910-4 affecting fees charged by Austin Energy, the pricing guidelines for electric utility products and services, and the electric rate schedules.
The public hearing was closed on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.
6. Approve an ordinance amending Exhibit A to Ordinance No. 020910-04, to amend certain fees charged by Austin Energy; amend the Pricing Guidelines for Electric Utility Products and Services; and amend the following rate schedules: Large Primary Service Special Contract Rider; State Large Primary Service; Rider TOU - Thermal Energy Storage; Independent School Districts Time-of-Use; Primary Service; Large Primary Service; Coincident Load Special Contract Rider; and GreenChoice® Energy Rider. (Recommended by the Electric Utility Commission.)
Ordinance No. 030717-6 was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.
130. Conduct a public hearing regarding a proposed rate increase by TXU Gas Company. (Related Items 13, 14)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.
13. Approve an ordinance to deny gas rate changes and tariff revisions proposed by TXU Gas Company. (Related Items 14, 130)
Ordinance No. 030717-13 was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.
14. Approve a resolution authorizing the City Manager to join in coalition with other cities in opposing TXU Gas Company's proposed rate change package. (Related Items 13, 130)
Resolution No. 030717-14 was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.

132. Conduct a public hearing and approve an ordinance to amend the City Code regarding site development standards in a single-family residence small lot (SF-4A) zoning district. (Recommended by Planning Commission.)
This item was postponed to July 31, 2003 on Council Member Slusher's motion, Mayor Wynn's second on a 6-1 vote. Mayor Pro Tem Goodman voted nay.
133. Conduct a public hearing on and consider action on an appeal by Charlene Crump of Zoning and Platting Commission's decision to uphold the director's disapproval of a request to add two additional boat docks (Site Plan No. SP-02-0054DS). (Disapproved by Zoning and Platting Commission.)
Resolution No. 030717-133 was approved and the director's disapproval overturned on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.

ZONING DISCUSSION ITEMS

- Z- 13 C14-03-0080 - Goodson 4.4 Acres - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 450 feet along the south side of San Felipe Boulevard, east from its intersection with Pond Springs Road (Rattan Creek Watershed) from multi-family residence medium density-conditional overlay (MF-3-CO) combining district zoning to community commercial (GR) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Land Answers (Jim Wittliff). Agent: Admiralty Fund of America (Ralph Goodson). City Staff: Sherri Gager, 974-3057.
The public hearing was closed on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-0 vote. Council Member Slusher was off the dais.

The first reading of the ordinance, incorporating the Zoning and Platting Commission recommendations and adding personal improvement services and drive through banking facilities to the list of permitted uses to the conditional overlay and adopting the list of prohibited uses was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

- Z- 14 C14-03-0058 - Lake Austin Montessori - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 701 Norwalk Avenue (Johnson Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood office-mixed use (NO-MU) combining district zoning. Applicant: Joseph Draker. Agent: Central Austin Real Estate (Richard Glasheen). City Staff: Glenn Rhoades, 974-2775
The motion to close the public hearing was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote. Action on this item was postponed to July 31, 2003 on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.
- Z- 16 C14-85-288.54 (RCA) - Scenic Brook Meadows Commercial - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 7401 State Highway 71 West (Williamson Creek Watershed-Barton Springs Zone) Zoning and Platting Commission Recommendation: To deny the restrictive covenant amendment request. Applicant: Doucet Partners, LTD. Agent: Joseph, Minter, Thornhill (John M. Joseph, Jr.). City Staff: Annick Beaudet, 974-2975.
The public hearing was closed on Council Member Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

There was a motion to deny the amendment to the restrictive covenant that was made by Council Member Alvarez' and seconded by Mayor Pro Tem Goodman.

The substitute motion to approve the amendment to the restrictive covenant was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 4 to 3 vote. Those voting aye were: Mayor Wynn and Council Members Dunkerley, McCracken and Thomas. Those voting nay were Mayor Pro Tem Goodman and Council Members Alvarez and Slusher.

131. Conduct a public hearing and action on an ordinance amending Chapter 16-5 (Parking in a Front or Side Yard) and authorizing the inclusion of certain neighborhood associations on the Restricted Parking Area Map. (There is no fiscal impact associated with including the following neighborhood associations on the "Restricted Parking Area Map." However, there is a parking violation fine associated with this ordinance between \$20.00 to \$40.00. Austin Police Department will be the enforcer of this ordinance.) (No Board or commission Action was taken on this issue.)

The Public hearing was closed on Council Member Thomas' motion, Council Member McCracken's second on a 5-0 vote. Council Members Alvarez and Slusher were off the dais.

The motion to waive the rules and allow the Council Meeting to go past 10 a.m. was approved on Council Member Thomas' motion, Council Member McCracken's second on a 5-0 vote. Council Members Alvarez and Slusher were off the dais.

Ordinance No. 030717-131 including staff's recommendations and the following amendments was approved on Council Member Thomas' motion, Council Member McCracken's second on a 5-0 vote. Council Members Alvarez and Slusher were off the dais. Council Member Dunkerley's amendments were to Part 3 to read as follows: "Subsections 16-4-22(D) and (E) of the City Code are amended to read: (D) This subsection applies to a request to amend the Restricted Parking Area Map to include or exclude a neighborhood association area. (1) An officer of a neighborhood association may submit an application to the city manager requesting that the City Council amend the Restricted Area Map. (2) The city manager shall accept an application to amend the Restricted Parking Area Map during February of each year. City Council shall consider the applications during April of each year. (3) Had no amendments. (4) A neighborhood association may not file a request under this subsection for a portion of a neighborhood association area that is within a neighborhood planning combining district that the City Council approves or amends after December 31, 2002. (5) A neighborhood association must be registered with the Public Information Office of the City. Section E would be deleted.

97. Amend Ordinance 030605-17 relating to smoking in public places to change the effective date of the ordinance to January 2, 2004. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)

Ordinance No. 030717-97 was approved on Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman, Council Members Alvarez, Dunkerley and McCracken. Those voting nay were: Council Members Slusher and Thomas.

Mayor Wynn recessed the Council Meeting at 10:32 p.m. to go into the Executive Session.

Executive Session Continued

CITY COUNCIL AGENDA

THURSDAY, JULY 17, 2003

114. Discuss legal issues concerning the First Called Special Session of the 78th Legislature, including issues relating to redistricting, development law, hospital districts, annexation and taxation.

The motion to adjourn the meeting at 11:00 p.m. was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 4-0 vote. Council Members Alvarez, McCracken, and Thomas were off the dais.

The minutes for the meeting of July 17, 2003 were approved on this the 31 day of July, 2003 on Council Member Dunkerley's motion, Mayor Wynn's second on a 5-0 vote. Council Members Alvarez and Thomas were off the dais.